

[CHAP. 133.]

AN ACT TO PROVIDE A WATER SUPPLY FOR THE TOWN OF  
SOUTHBOROUGH OR A CERTAIN PART THEREOF.

*Be it enacted, etc., as follows:*

PART I.

AUTHORIZING THE TOWN OF SOUTHBOROUGH TO SUPPLY  
ITSELF AND ITS INHABITANTS WITH WATER.

SECTION 1. The town of Southborough may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

SECTION 2. For the purposes aforesaid, said town may purchase and take over all the property, rights, powers and privileges of the Fayville Fire and Water District, established by chapter four hundred and seventy-four of the acts of nineteen hundred and twenty-three, for a sum not exceeding the amount actually expended by said district for the purposes for which it was established, and assume all the duties and obligations of said district, and shall thereby become in all respects the lawful successor of said district. The selectmen of said town shall be the lawful successors of the water commissioners of said district until water commissioners are elected by said town and the treasurer of said town shall be the lawful successor of the treasurer of said district. If said district has incurred indebtedness, the amount of such indebtedness outstanding at the time of such purchase shall be assumed by said town as a part of the purchase price.

SECTION 3. For the purposes aforesaid, said town acting through its board of water commissioners hereinafter provided for, may lease, or take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook or stream or of any ground water sources by means of driven or other wells or filter galleries, within the limits of said town, not already used for public water supply, and the water rights and water sources connected therewith; and also may take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, and hold, all lands, rights of way and easements necessary for collecting, storing, purifying and preserving such water and for conveying the same to any part of said town; provided, that no source of water supply and no lands necessary for preserving the quality of the water shall be taken without first obtaining the advice and ap-

proval of the state department of public health, and that the location of all dams, reservoirs, wells or filter galleries to be used as sources of water supply under this part shall be subject to the approval of said department. Said town may construct and may erect on the lands taken or held under the provisions of this part proper dams, reservoirs, buildings, standpipes, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs, establish pumping works and lay down and maintain conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such way in said town in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this part, said town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation or in case of failure so to agree as may be approved by the department of public utilities.

SECTION 4. The land taken or acquired under this part shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the town.

SECTION 5. Any person or corporation injured in his or its property by any action of said town or board under this part may recover damages from said town under said chapter seventy-nine; provided, that the right to damages for the taking of any water, water right, or any injury thereto, shall not vest until the water is actually withdrawn or diverted by said town under authority of this part.

SECTION 6. Said town may, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred under the provisions of this part, issue from time to time bonds or notes to an amount, not exceeding, in the aggregate, three hundred and twenty thousand dollars, which shall bear on their face the words, Town of Southborough Water Loan, Act of 1930. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

SECTION 7. Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in ac-

cordance with the provisions of section six; and when a vote to that effect has been passed, a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating the water works or the purchasing of water and the maintenance of its pipe lines, as the case may be, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this part, shall without further vote be assessed by the assessors of the town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

SECTION 8. Said town may take, as a part of the water supply to which the town of Southborough is entitled under an agreement entered into with the city of Boston on February fourteenth, eighteen hundred and ninety-four, from the Sudbury reservoir of the metropolitan water system, situated in the town of Southborough, or from any available outlet leading from said reservoir, water to an amount not exceeding one hundred and twenty-five thousand gallons per day, in addition to the amount now allowed the Fayville Fire and Water District under the provisions of section two of chapter four hundred and seventy-four of the acts of nineteen hundred and twenty-three, upon such terms and conditions and at such place or places and in such manner as may be mutually agreed upon by the commissioners hereinafter provided for and the metropolitan district commission or in default of such agreement as may be determined by the state department of public health, but such terms shall not include any charge for water used or to be used under this part.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this part, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this part, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any one of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year.

SECTION 10. The said town shall, at the same meeting at which this part shall have been fully accepted or at a later meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting held after the shortest of such terms has expired one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this part, except sections six and

seven, and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner specified herein.

SECTION 11. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued for water supply purposes. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said commissioners may recommend, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 12. The provisions of this part or any lawful action taken thereunder shall not affect any act done, ratified or confirmed by the Fayville Fire and Water District or any of its officers prior to the effective date of this part, nor any right accrued or established, nor any action, suit or proceeding commenced or had in a civil case, nor shall it impair the validity of any of the notes, bonds or other obligations of said district outstanding on said date.

## PART II.

PROVIDING FOR THE INCORPORATION OF THE INHABITANTS OF A CERTAIN SPECIFIED PART OF THE TOWN OF SOUTHBOROUGH AS A FIRE AND WATER DISTRICT.

SECTION 1. The inhabitants of the town of Southborough residing in that part of said town bounded and described as follows:

Commencing at the junction of Sears road and Main street, thence running easterly along said Main street to the junction of Main street and Parkerville road; thence running southerly along Parkerville road across the Worcester turnpike to the location of the Boston, Worcester and New York Street Railway Company; thence running southwesterly along the southerly edge of said railway company location

to the boundary line between the towns of Westborough and Southborough; thence southeasterly along said boundary line to a point; thence southwesterly along said boundary line to the boundary line of the towns of Hopkinton and Southborough; thence easterly along said boundary line to a corner in the boundary line between the towns of Ashland and Southborough; thence north and northeasterly along the boundary line between the towns of Ashland and Southborough to Oregon road and the boundary line of the Fayville Fire and Water District; thence westerly along said Oregon road to Woodland road; thence southwesterly along said Woodland road to the junction of Woodland road and Breakneck Hill road; thence northerly along said Breakneck Hill road to the Boston and Worcester turnpike and the Sudbury reservoir; thence northerly in an irregular line along the easterly and northerly boundary line between the town of Southborough and the Sudbury reservoir of the metropolitan water district, crossing the Boston road and following the said dividing line in a generally northerly direction to the northerly boundary of Southborough at the Marlborough boundary line; thence westerly along the Marlborough boundary line to the Marlborough road; thence southeasterly along said road to the junction between said Marlborough road and Sears road; thence southerly along Sears road to the point of beginning, — shall constitute a water district, and are hereby made a body corporate by the name of the Southborough Fire and Water District, hereinafter called the district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and to take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise, and to hold, for the purposes mentioned in this part, property, lands, rights of way and other easements, and to prosecute and defend all actions relating to the property and affairs of the district.

SECTION 2. For the purposes aforesaid, said district, acting by and through its board of commissioners hereinafter provided for, may contract with the town of Southborough, or any other town or city, acting through its water department, or with any water company, and/or may take under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond or stream, or of any ground sources of supply by means of driven, artesian or other wells within the town of Southborough, not already used for public water supply, and the water rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing,

holding, purifying and preserving the purity of the water and for conveying the same to any part of said district; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the state department of public health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this part shall be subject to the approval of said department. Said district may construct on the lands acquired and held under this part proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways, in said town, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this part, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that all things done upon any such way shall be subject to the direction of the selectmen of the town of Southborough. Said district shall not enter upon, construct or lay any conduit, pipe or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure to so agree, as may be approved by the department of public utilities.

SECTION 3. Any person sustaining damages in his property by any taking under this part or any other thing done under authority thereof may recover such damages from said district under said chapter seventy-nine; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this part.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred under the provisions of this part, other than expenses of maintenance and operation, the said district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, two hundred and seventy-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Southborough Fire and Water District Loan, Act of 1930. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty



years from their dates. Indebtedness incurred under this part shall be subject to chapter forty-four of the General Laws.

SECTION 5. Said district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four of this part; and when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under provisions of this part, shall without further vote be assessed upon said district by the assessors of said town annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 6. Any land taken or acquired under this part shall be managed, improved and controlled by the commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this part, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same in the same manner in all respects in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 8. A meeting or meetings of the voters of the territory described in section one of this part shall be called as provided in part three, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for the meeting the question of the acceptance of this part shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon as provided in part three, the meeting may then proceed to act on the other articles contained in the warrant.

SECTION 9. Said district shall elect by ballot, either at the same meeting at which this part shall have been accepted or at a later meeting called for the purpose, three persons to hold office, one until the expiration of three years,

one until the expiration of two years, and one until the expiration of one year, from the day of the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this part, except sections four and five, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. Said commissioners shall appoint a treasurer of said district, who may be one of their number, who shall give bond to the district in such an amount and with such surety or sureties as may be approved by the commissioners. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of the water works except upon a written order of said commissioners or a majority of them.

SECTION 10. Said board of commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued for water supply purposes. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said commissioners may recommend, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said commissioners shall annually, and as often as said district may require, render a report upon the condition of the works under their charge, and an account of their doings; including an account of receipts and expenditures.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called, notified and conducted; and, upon the application of ten or more legal voters in said district, meetings may also be called by warrant as provided in section eight. Said district may also establish rules and regulations for the management of its water works, not inconsistent with this part or with law, and may choose such other officers not provided for in this part as it may deem necessary or proper.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this part, or wilfully or wantonly injures any reservoir, stand-pipe, aqueduct, pipe or other property owned or used by said district for any of the purposes of this part, shall forfeit



and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above wilful or wanton acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment in jail for a term not exceeding six months.

SECTION 13. Said district may take, as a part of the water supply to which the town of Southborough is entitled under an agreement entered into with the city of Boston on February fourteenth, eighteen hundred and ninety-four, from the Sudbury reservoir of the metropolitan water system, situated in the town of Southborough, or from any available outlet leading from said reservoir, water to an amount not exceeding one hundred and twenty-five thousand gallons per day, in addition to the amount now allowed the Fayville Fire and Water District under the provisions of section two of chapter four hundred and seventy-four of the acts of nineteen hundred and twenty-three, upon such terms and conditions and at such place or places and in such manner as may be mutually agreed upon by the commissioners and the metropolitan district commission or in default of such agreement as may be determined by the state department of public health, but such terms shall not include any charge for water used or to be used under this part.

### PART III.

#### PROVISIONS RELATIVE TO THE ACCEPTANCE AND TAKING EFFECT OF THIS ACT.

Part III of this act shall take effect upon its passage, and all other provisions thereof shall take effect only as hereinafter provided.

Part I thereof shall be submitted for acceptance to the registered voters of said town of Southborough at a special town meeting which shall be called for the purpose by its selectmen within one year after the passage of this act and, if rejected at any such meeting, may be resubmitted from time to time at any special meeting called within said period; provided, that not more than three special meetings shall be called within said period. The vote on the question of acceptance of said Part I shall be taken by ballot at each such meeting in answer to a question which shall be placed thereon in substantially the following form: "Shall the town of Southborough supply itself and its inhabitants with water?" If a majority of the voters present and voting thereon at any such meeting vote in the affirmative in answer to said question, said Part I shall thereby be accepted for the purpose only of submitting to such voters, within the aforesaid period, the question of authorizing the incurrence of indebtedness under section six of said Part I, in the manner provided in chapter forty-four of the General Laws, and, if the incurrence of indebtedness is authorized as afore-

said, said Part I shall thereby be fully accepted and thereupon take effect and Part II of this act shall be null and void.

If said Part I is not fully accepted as aforesaid within one year after the passage of this act, said Part I shall be null and void and said Part II shall be submitted for acceptance to the registered voters of the territory described in section one of said Part II at a meeting of said voters called as provided in section eight of said Part II not later than two years after the passage of this act and, if rejected at any such meeting, may be resubmitted from time to time at any such meeting called within the aforesaid period; provided, that not more than three special meetings shall be called within said period. The vote on the question of acceptance of said Part II shall be taken by ballot at each such meeting in answer to a question which shall be placed thereon in substantially the following form: "Shall the inhabitants of that part of the town of Southborough for which this meeting is held be incorporated as a fire and water district for the purpose of supplying themselves with water?" If a majority of the voters of said territory present and voting thereon at any such meeting vote in the affirmative in answer to the last mentioned question, said Part II shall thereby be accepted and thereupon take effect.

*Approved March 21, 1930.*

Fill  
Water Dept

Water main extension from Sears Road on Main Street for a distance  
Of 800 feet.

800 ft. of 10" pipe @ 2.30 per ft.	1840.00
1 - 10" - 10" - 10" Tee @ 54.00 each	54.00
1 - 8" plug.	7.00
1 - 10" cap/	9.00
1 - 10" - 10" - <del>10"</del> 6" tee.	50.00
1 hydrant	125.00
1 - 6" gate valve	44.00
1 - gate valve box.	10.50
6 ft. of 6" pipe @ 1.50 per ft.	9.00
Leadite - Lumber - etc.	25.00
800 ft. of excavation @ 70¢ per ft.	560.00
800 ft. of backfill @ 20¢ per ft.	160.00
12 cubic yds. of rock @ 9.00 per yd.	108.00
806 ft. of pipe laying @ 20¢ per ft.	161.20
Set one gate valve and box.	10.00
Set one hydrant	15.00

Total cost - \$ 3187.70

Copy to Mr. Harrington.

*Fill  
Water Depth*

Water extension on Main Street from Sears Road to the property  
of Daniel Danahy.

Total distance 2900 feet.

2900 ft. of excavation @ 80¢ per ft.	2320.00
2900 ft. of refill @ 25¢ per ft.	725.00
92 cubic yards of rock @ 9.00 per yd.	898.00
2900 ft. of pipe laying @ 20¢ per ft.	580.00
Set 4 hydrants @ 25.00 each.	100.00
Set 5 gate valves & boxes @ 10.00 each.	50.00

\$4673.00

2900 ft. of 10" pipe @ 2.20 per ft.	6380.00
4 - Hydrants @ 125.00 each	500.00
4 - 6" gate valves @ 44.00 each	176.00
1 - 10" gate valve @ 111.00	111.00
5 - 10" - 10" - 6" tees @ 37.50	187.50
1 - 10" - 10" - 8" tee @ 39.50	39.50
1 - 10" cap.	9.00
1 - 8" plug	7.00
1 - 6" plug	4.05
28 ft. of 6" pipe @ 1.50 per ft. (for hydrants)	42.00
5 gate valve boxes @ 11.00 each	55.00
Resurface street & Miscell	500.00

\$8011.05

Total cost \$12,684.05

Fill  
Water Depth

Relaying present main on Maple Street with 6"	
638 ft. of excavation @ 90¢ per ft.	574.20
638 ft. of backfill @ 20¢ per ft.	127.60
5 cubic yards of rock excavation @ \$ 9.00 per yd.	45.00
638 ft. of pipe laying @ 20¢ per ft.	127.60
Set one hydrant	15.00
Set 2 gate valves & boxes.	20.00
Resurface Street	80.00
	957.00
638 ft. of 6" pipe @ \$ 1.50 per ft.	957.00
2 - 6" gate valves @ 44.00 each	88.00
1 hydrant @ 125.00 each	125.00
2 gate valve boxes @ 10.50 each	21.00
Leadite - etc.	15.00
1 - 6" cap @ 4.05 each	4.05
Lumber for laying under pipe.	10.00
Total cost - \$ 2209.45	

Excavation 20¢ per ft. higher on account of excavating around  
present 2" pipe by hand.

*Fill  
Water depth*

Water extension from Newton Street in Cross Street to Framingham Road  
and in Framingham Road to the property of Arthur StMaurice.

575 ft, of excavation @ 70¢ per ft.	402.50
575 ft. of backfill @ 30¢ per ft.	172.55
10 cubic yards of rock @ 9.00 per yd.	90.00
575 ft. of pipe laying @ 20¢ per ft.	115.00
Tapping main and setting 8" tapping sleeve.	50.00
Set one hydrant	25.00
Resurface Street	95.00
575 ft. of 8" pipe @ 1.90 per ft.	1092.50
1 - 8" - 8" - 8" tapping sleeve & gate	132.00
1 hydrant	125.00
1 - 8" gate valve.	72.00
2 gate valve boxes @ 10.50 each	21.00
1 - 8" Tee.	45.00
1 - 8" cap.	6.00
Leadite - etc.	7.00
	20.00

Total cost \$ 2477.55



File  
April 25th 1950

Mr. Erwin L. Smith,  
Turnpike Road,  
Fayville, Mass.

Dear Erwin:

I am very pleased to advise you that at a joint meeting of the Board of Water Commissioners and the Board of Selectmen of the Town of Fayville held April 24th, you were unanimously elected to the Board of Water Commissioners, to complete the term of Mr. John J. O'Neil, recently resigned.

All you, at your early convenience, present yourself before the Town Clerk to be sworn in.

It is the sincere wish of us all that you accept this election, as we feel that in so doing, you will be rendering a very real service to our town.

Cordially yours,

Board Of Selectmen,

Chairman.

CC: Town Clerk.

11  
22  
File  
Water  
Dept.

December 29, 1950.

Board of Water Commissioners,  
Southborough, Mass.

Gentlemen:

For the safety of the town, we feel that the responsibility for hydrant snow removal should be settled immediately.

John Boland advises us that the men who formerly took care of snow removal from hydrants under him, are no longer available, and that he cannot assume this work.

During a snow storm the first concern of the Highway Department must be to clear the streets, and this Department have not sufficient men to clear hydrants as well, as promptly as it should be done. This duty would, by necessity, have to be a secondary consideration for them.

Town Counsel has advised us that in his opinion, hydrant snow removal is one of the responsibilities of the Water Department. We ask, therefore, that your department assume this work, until such time as our joint boards have an opportunity to arrive at some other mutually satisfactory solution.

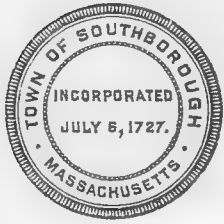
Very truly yours,

Board of Selectmen,

HEH/h

cc: John W. Boland.  
Gordon Johnson.  
Alfred W. Howes.

Chairman.



TOWN OF SOUTHBOROUGH  
BOARD OF WATER COMMISSIONERS

SOUTHBOROUGH, MASS. December 30th 1950.

Board of Selectmen.

H.E. Harrington, Chairman

Dear Sir:-

In answer to your letter of the 29th inst.

The Water Dep't. will endeavor to care for hydrant snow removal in case of a storm, until Jan'y 10th 1951.

The Commissioners plan to be present at the Selectmens meeting at 9.00 P.M. on said date.

If for any reason this conflicts with any previous plans of either board, the Water Commissioners are having a meeting on January 11th at 7-30 P.M.

Yours very truly,

Board of Water Commissioners.

*C. Ed. Baker*

Chairman.

File  
Water Dept

January 25th 1950

Board of Water Commissioners,  
Southborough, Mass.

Gentlemen:

For your information, the following is the result of a recent investigation made by W. C. [unclear], [unclear] of the [unclear] of our Massachusetts towns.

<u>Town.</u>	<u>No charge.</u>	<u>Charge.</u>	<u>Note.</u>
Clinton	X		
No. Brookfield			
Douglas			
Uxbridge			
Ashburnham			
West Boylston			
Northboro			
Hardwick		\$45.00	per hyd. per yr.
Lunenburg		40.00	" " " "
Sarre	*	10.00	" " " "
Leicester	#	50.00	" " " "
Warren		2100.00	for 79 hyds.
Northboro		600.00	flat charge.

\* Intend to increase in 1950.

# For 15 years, then free.

Very truly yours,

Board of Selectmen.

[Signature]

Copy to Advisory Board.



*Fill  
Water Dept*

E. & F. KING & Co., INCORPORATED  
*Industrial Chemicals*

FIFTY-TWO PURCHASE STREET  
BOSTON 10, MASSACHUSETTS

January 17, 1950

Board of Selectmen  
Town of Southboro,  
Massachusetts

Attn: Mr. Herbert Harrington, Chairman

Gentlemen:

Upon the suggestion of Mr. Thomas J. Boland, Water Department, we are pleased to submit the following information relative to "Perchloron", a High Test Hypochlorite, for water treatment in the Fay School swimming pool during the summer period beginning July 1, 1950 to September 4, 1950.

Since it is a Fill and Draw pool of 270,000 gallons, the quantity and number of Perchloron applications will be governed by the quality of the water and the bathing load.

Assuming that the water has already been treated to a single application of  $1\frac{1}{2}$  ounces of dry Perchloron for each 10,000 gallons of water this will be satisfactory for light swimming loads. When the number of swimmers is higher several applications per day of one-half the above quantity may be required. The application should be checked occasionally by competent authority and the amount prescribed to be applied by the pool attendant increased as necessary.

Mr. Boland has already been furnished our Booklet on Perchloron which contains complete information as to the application methods and the amount required.

Perchloron is available for immediate shipment in cartons containing 9 - 5 pound cans. Our quotation is as follows:

\$19.75 per case, f.o.b. Norwood, Mass. Terms - net 30 days.

With the above in mind we would calculate that your requirements for the coming Summer season should be approximately 270 pounds.

Very truly yours,  
E. & F. KING & COMPANY, INC.

  
James F. Ryan.

jfr/mrl

File  
Water Dept

March 8, 1950

General Services Administration,  
Community Facilities Service,  
55 Tremont Street,  
Boston, Mass.

Attention Mr. Dexter B. Hill.

Dear Sir:

We are in receipt of your letter of February 24th  
in regard to Public Law 352 enacted in the last Congress.

Will you please send a copy of this law with a  
covering letter to the Board of Water Commissioners, South-  
borough, Mass.

We shall soon find it necessary to make some major  
changes in our water system, and I believe can well take ad-  
vantage of the provisions under this law.

Very truly yours,

Board of Selectmen.

Chairman.

Copy to Board of Water Commissioners



GENERAL SERVICES ADMINISTRATION  
COMMUNITY FACILITIES SERVICE

Please address reply to: DIVISION ENGINEER, DIVISION 1  
55 Tremont St.-Room 823 42 Broadway  
Boston 8, Massachusetts New York 4, New York  
Tel: LAfayette 3-8600  
Extension 98

FEB 24 1956

Herbert E. Harrington, Ch.  
Board of Selectmen  
Southborough, Mass.


Dear Sir:

The purpose of this letter is to advise you of the availability of federal funds to municipalities and other public bodies for investigations, preliminary surveys which will result in the preparation of plans and specifications on all types of municipal public works.

The funds are made available under Public Law 352 enacted in the 81st Congress and I am enclosing a copy of the Law. The funds so advanced are returnable to the United States Government, interest free, when construction for the facility described in the application is started.

I would be pleased to meet with you or any of your department heads, upon request, to furnish you with the necessary application forms and other pertinent information.

Very truly yours,

  
Dexter B. Hill  
District Engineer

Encl:(1)

DBH/dmp

From the office of: Dexter B. Hill, District Engineer  
General Services Administration  
Bureau of Community Facilities  
55 Tremont St.-Room 823  
Boston 8, Massachusetts

(Public Law 352 - - 81st Congress)

(Chapter 685 - 1st Session)

(S. 2116)

AN ACT

To provide for the advance planning of non-Federal  
public works.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order (a) to encourage States and other non-Federal public agencies to maintain a continuing and adequate reserve of fully planned public works (exclusive of housing) readily available for use so as to permit the immediate commencement of construction of such public works when the economic situation may make such action desirable, (b) to enable the United States, through reference to such reserve of fully planned public works as reflected by records maintained and reports issued by the Administrator of General Services to adapt, insofar as practical and desirable, the planning and construction of needed Federal public works to the particular public works objectives of individual States and other non-Federal public agencies, and (c) thereby to attain maximum economy and efficiency in the planning and construction of local, State, and Federal public works, the Administrator of General Services is hereby authorized, during the period of two years immediately following the date upon which this Act becomes effective, to make loans or advances, from funds appropriated for that purpose, to the States, their agencies, and political subdivisions (hereinafter referred to as "public agencies") to aid in financing the cost of architectural, engineering, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action preliminary to the construction of public works (exclusive of housing): Provided, That the making of loans or advances hereunder shall not in any way commit the Congress to appropriate funds to undertake the construction of any public works so planned.

Sec. 2. Funds appropriated for the making of loans or advances hereunder shall be allocated by the Administrator of General Services among the several States in the following proportion: Seventy-five per centum in the proportion which the population of each State bears to the total population of all the States, as shown by the latest available United States census, and 25 per centum in accordance with the needs of the States as determined by the said Administrator: Provided, That the allotments to any State shall aggregate not less than one-half of 1 per centum of the total funds available for allotment hereunder.

(Public Law 352)

Sec. 3. No loan or advance shall be made hereunder with respect to any individual project unless it conforms to an over-all State, local, or regional plan approved by a competent State, local, or regional authority.

Sec. 4. Loans or advances under this Act to any public agency shall be repaid without interest by such agency if and when the construction of the public works is undertaken or started. If the construction of the public works is not undertaken or started within three years after the full amount of the loan or advance therefor has been made and the Administrator of General Services shall determine (which determination shall be conclusive), after due notice and hearing, that the public agency has not acted in good faith either in obtaining the loan or advance or in failing to undertake or start the construction of such public works, the Administrator shall demand prompt payment of such loan or advance. In the event the loan or advance shall not have been repaid within said three-year period, such public agency shall not be eligible to apply for loans or advances on any other public works. All sums so repaid shall be covered into the Treasury as miscellaneous receipts.

Sec. 5. The Administrator of General Services is authorized to prescribe rules and regulations to carry out the purposes of this Act.

Sec. 6. The Administrator of General Services shall submit quarterly to the Congress a report of his administration of the Act, including all expenditures and repayments made thereunder. Such reports shall, when submitted, be printed as public documents.

Sec. 7. There are hereby authorized to be appropriated such amounts, not to exceed a total of \$100,000,000, as may be necessary to effectuate the purposes of this Act. Amounts so appropriated shall remain available until expended.

Sec. 8. As used in this Act, the term "State" shall include the District of Columbia, Alaska, Hawaii, and Puerto Rico.

Approved October 13, 1949.

7-11  
Miles 845

May 26, 1949

Mr. Francis W. Lapine, Chairman  
Board of Water Commissioners  
Southborough, Mass.

Dear Fran:

Pending a formal reply to your letters of March 23rd and May 21st in regard to various changes which you propose to make against the town, we feel that much could be accomplished at an informal meeting between this board and yours.

We should be glad to come to one of your regular meetings or arrange a date convenient to us all. Give me a ring and we will see if we cannot get together in the near future.

Cordially,

BOARD OF BOARDERS

CC-B-711

Pleasant Street  
Fayville, Mass.

February 10, 1949

Mr. Edward Baker, Chairman  
Board of Water Commissioners  
Town of Southboro, Mass.

Dear Mr. Baker:

At a meeting of the Advisory Committee on February 2nd the Budget of the Water Department was approved in the amount of \$12,008.00. Item #12 - Gasoline - has been reduced \$270.00 (expended in 1948 \$273.33) and this amount of \$270.00 has been included in Item # 38-A Gasoline Appropriation for all Town Departments.

The Committee secretary has been instructed to request the Board of Water Commissioners to appoint two men to be properly trained, and readily available, to operate the pumps at the Fayville station during the absence of the Water Department superintendent.

This Committee fully realizes the critical shortage of Water Department personnel and therefor suggests that other Town employees may be drafted and trained for an emergency need and as a safety measure. It is further suggested that members of the Police, Fire or Street Departments may be the logical choice of the Commissioners.

The Committee would appreciate an early reply stating what action is planned by the Board of Water Commissioners.

Very truly yours,

Harold A. Bauld  
Secretary

cc: Board of Selectmen

Fill  
Water Dept



TOWN OF SOUTHBOROUGH  
**Board of Water Commissioners**

SOUTHBOROUGH, MASS.

May 21, 1949

Herbert E. Harrington, Chairman,  
Southborough, Mass.

Gentlemen:

At a meeting of the Board of Water Commissioners held on May nineteenth the Board, in an effort to increase the revenue of the Department and to eventually make it self sustaining, has considered levying a hydrant rental charge for the use of water by the fire department. The amount under discussion at this time is \$25.per hydrant.

We would appreciate your thought on this matter.

Very truly yours,

*Francis W. Lysine*  
M.F.W. Registrar

Board of Water Commissioners





TOWN OF SOUTHBOROUGH  
**Board of Water Commissioners**

SOUTHBOROUGH, MASS.

March 23, 1949

Board of Selectmen,  
Southborough, Massachusetts

Gentlemen:

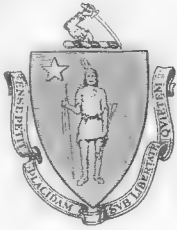
At a meeting of the Board of Water Commissioners held on March 22, 1949 the Board has decided to notify all Town Departments of their intention to bill all Departments for the amount of water used as metered beginning January 1, 1950.

If for any reason this proposal does not meet with the approval of your department we shall be glad to discuss this matter with you.

Very truly yours,

*Marjorie J. McDonald*  
Registrar

Fill  
Water Dept



*The Commonwealth of Massachusetts*  
*Department of Public Works*

August 16, 1949.

DISTRICT #3 - 40 Foster Street,  
Worcester, Mass.

SOUTHBORO

Mr. Herbert E. Harrington, Chairman,  
Board of Selectmen,  
Southboro, Mass.

Dear Sir:-

It has been brought to my attention that considerable damage has been done to the bituminized surface on Mt. Vickery Road in Southboro as a result of the construction of a water main by the Southboro Water Department.

Inasmuch as this is a Chapter 81 highway subject to maintenance from the annual amounts provided by the State and Town, we would inform you that before any Chapter 81 funds are expended on this road, the Water Department should restore the roadway to its original condition, either through action of the Water Department, or from funds other than Chapter 81.

The section of road affected is between the Cordaville Road and Breakneck Hill Road, a distance of approximately 0.4 miles.

Yours truly,

*M. J. Dalton*

WBB:AMN

M. J. Dalton  
DISTRICT HIGHWAY ENGINEER.



TOWN OF SOUTHBOROUGH  
Board of Water Commissioners

SOUTHBOROUGH, MASS.

August 12, 1949

Mr. Herbert Harrington, Chairman  
Board of Selectmen,  
Southborough, Massachusetts

Dear Mr. Harrington:

In regard to your letter concerning the various charges which the Board of Water Commissioners are contemplating placing against the Departments of the Town, the Board as soon as cooler weather is possible will be very glad to talk with your Department.

We will contact you and make arrangements for a convenient time for all.

Thank you for your communication.

Sincerely,

*M. M. Donald*  
Registrar

File  
Water Dept

LAW OFFICES OF  
**TAYLOR & FOLEY**

41 TREMONT STREET  
BOSTON, MASS.

WILLIAM H. TAYLOR  
DAVID A. FOLEY  
JEREMIAH J. SULLIVAN  
PAUL E. MURPHY  
ALFRED W. HOWES  
WILLIAM J. FITZGERALD

TELEPHONE  
LAFAYETTE 3-8370

March 31, 1949

Herbert E. Harrington, Esq.  
Southborough  
Massachusetts

Dear Bert:

As requested by you last week, I have examined the law in connection with rights and duties in the repair and maintenance of public highways.

Section 68 of Chapter 41 of the General Laws provides as follows: "The superintendent of streets shall, under the direction of Selectmen, have full charge of all repairs and labor upon public ways and sidewalks and, if no other provision is made, of repairs upon sewers and drains; and in relation to such matters he shall have the powers, perform the duties and be subject to the liabilities and penalties of surveyors of highways and road commissioners."

Under this section, *Blaisdell v. Stoneham*, 229 Mass. 563; *Ryder v. Taunton*, 306 Mass. 154, and *Bradley v. Marlboro*, 296 Mass. 253; hold that a superintendent of streets (or one who has similar rights and duties) is a public officer for whose negligent acts a town is not civilly responsible.

Section 62 of Chapter 41 provides \* \* \* a highway surveyor "shall have the exclusive control of the ordinary repair of public ways in his town without being subject to the authority of the selectmen \* \* \*".

Cases decided under this section are to the same effect as cases recited under Section 68 above.

Section 64 of Chapter 41 provides, as to road commissioners, " \* \* they shall exclusively have the powers, perform the duties and be subject to the liabilities and penalties of selectmen and surveyors of highways relative to public ways, monuments, at termini, and angles thereof, guide posts, sidewalks and shade trees and, if sewer commissioners be not chosen, relative to sewers and drains."

Cases hold them to be public officers for whose torts the town is not responsible. Chapter 84, Section 7, provides "Surveyors of Highways and Road Commissioners shall remove whatever obstructs the public ways within their respective towns or districts or endangers, hinders or incommodes persons traveling thereon; and shall forthwith cause snow to be removed or trodden down so as to make such ways reasonably safe and convenient". This section also provides that if a town neglects to vote sufficient money for proper repair of ways the surveyor or road commissioner may employ persons to make such repairs and these persons must be paid by the town.

Cases decided under this section hold that in performing the duties imposed thereby, highway surveyors and road commissioners are public officers whose negligent acts do not create liability on the town. Other cases hold that they cannot bind the town upon contracts entered into by them on behalf of the town unless the contracts relate to matters authorized by this section.

Section 1 of Chapter 84 provides "highways and town ways shall, unless otherwise provided, be kept in repair at the expense of the town in which they are situated so that they may be reasonably safe and convenient for travelers with their horses, teams and carriages at all seasons.

Cases decided under this section held that performance of the duties imposed by this section is a governmental function and impliedly authorizes towns to do all acts necessary to complete the duty imposed; they define "teams" "carriages" "travelers" and various other matters as to a town's duty.

Section 15 of Chapter 84 provides "if a person sustained bodily injury or damage on his property by reason of defect or a want of repair or a want of a sufficient rail in or upon a way, <sup>and</sup> then such injury or damage might have been prevented, or such defect or want of repair or want of a rail might have been remedied by reasonable care and diligence on the part of the \* \* \* town \* \* \* by law obliged to repair the same, he may if such \* \* \* town \* \* \* by the exercise of proper care and diligence, might have had reasonable notice of the defect or want of repair or want of a sufficient railing, recover damages therefor from such \* \* \* town \* \* \*;" a town shall not be liable for injuries sustained "during the construction and repairing thereof, provided that the way shall have been closed or other sufficient means taken to caution the public against entering thereon. \* \* \*"

Many hundreds of cases which have been decided under this section define the terms "defect", "want of a rail" "way" "travel roadway" "person" "reasonable notice", etc.

308 Mass. 135

The case of *Galluzzi v. Beverly*, decided in 1941 holds that the City of Beverly was responsible for the negligence of its sewer department in opening a street, sidewalk and cellar wall of a building for the purpose of connecting the building with its sewer system. The excavation had been refilled in such a manner as to permit water to flow into the plaintiff's building damaging it. The city contended that its duty was merely to keep the way reasonably safe and convenient for travelers; that any liability for a defect in the street must rest upon Chapter 84, Section 15, and that the City Commissioner of Public Works was not, with respect to the care of highways, an agent of the city but was a public officer for whose negligence the city is not liable to a person not a traveler. In regard to these contentions the Court said that the defendant's argument overlooked the decisive element in the case that the entire job did not appertain primarily to street maintenance but from beginning to end was an integral part of the city's construction and operation of its system of sewers. The court then said "It has long been settled that a municipality, which voluntarily avails itself of its power to construct and operate such a system for the benefit of abutters who pay the city

through assessments, becomes liable for the negligence of ~~for~~ those whom it employs to carry on the enterprise, who for this purpose are treated as agents, even though the same persons may be public officers and not agents of ~~same~~ <sup>the city</sup> with respect to other municipal functions".

I quote from this one decision although there are a great many others which are to the same or a similar effect. Under these decisions there is no doubt in my mind but that the Water Commissioners, in excavating streets or back filling excavations for the purpose of construction, maintenance or repair of the water system are not acting as public officers but as agents of the town for whose negligence the town would be responsible. Under Section 15 of Chapter 84, the amount possible to be recovered by a person injured as a result of a defect in a public highway is \$4,000 (in smaller towns it may be less). It should be borne in mind that this statute relates to a defect in a public highway which a town is required to maintain in a reasonably safe condition. It is my considered opinion that if the injuries were caused by a defect in a highway which was the result of negligence of the Water Department that the amount recoverable would be unlimited although I have been unable to find any case which definitely says so.

An older case which seems to be very much in point and goes <sup>219 Mass. 604</sup> into some detail on the question is Pearl v. Revere, decided in 1914. In that case the question was whether or not the city was answerable in damages for injuries caused by the negligence of an employee of its Board of Water Commissioners. The statutes of 1904, Chapter 457 under which Revere was authorized to establish a water system was very similar to our own. The Court said "The distinction long has been established between the liability of municipalities for acts done in their public capacity in the performance of functions required of them by the Legislature for the common good and for acts done in their private capacity in the management of property voluntarily held and devoted to business enterprises undertaken for their own profit, although ultimately subserving a public need. It has been repeatedly held, in the application of this well settled distinction that the establishment and maintenance of a system of water supply in part for the use of inhabitants who pay for the necessity thus supplied, is a commercial venture, and that for negligence in connection therewith, the city or town is liable as a private corporation would be in performing a similar service." The Court went on to say that this particular Board was clothed with more extensive powers than were usually conferred upon similar officers "but they represent the interest of the town and are no more than its agents in exercising the function conferred by statutes \* \* \*. The decisive test is whether it is a service <sup>voluntarily undertaken</sup> jointly taken by the town with the compulsion from which income and profit may accrue to the municipality." Whether the town was in fact making ~~this~~ business profitable or not was immaterial; it ~~was~~ the essential nature of the undertaking which is decisive. The town did not conduct that branch of its municipal functions on anything like the same basis as it maintains schools, highways, police, etc.

Under the above statutes and decisions and a great many other decisions from which I have not quoted there can be no doubt that the sole responsibility for the maintenance of town ways in a reasonably safe condition rests upon Gordon Johnson as Superintendent of Streets.



There can be little doubt that if he assumes the entire burden of maintaining the highways in reasonably safe condition after they have been made unsafe by acts of the Water Commissioner that recovery against the town could be had only upon proof that the way was not reasonably safe and convenient, that the town knew or in the exercise of reasonable diligence should have known of the defective condition of the street and (3) could have remedied the condition by reasonable care and diligence. Recovery for injuries sustained by such a defect would be limited to \$4,000.

If the Board of Water Commissioners assume the obligation of keeping the street in reasonably safe condition after they have made excavations, repairs, etc., there is no doubt that the town would be liable for injuries or damage sustained as a result of any negligence of the commissioners or their employees in the manner of doing the work. Irrespective of any defect in a street as contemplated by Chapter 84, Section 15, it is probable although I have no definite statement of law to substantiate my opinion, that recovery for injuries sustained under those circumstances would be unlimited. *Whether or not the street was defective would be immaterial if the injury or damage were due to negligence of employees of the Water Department*

I trust that this answers your questions as to whom should be required to make repair to highways after they have been damaged as a result of operations of the Water Department in constructing, repairing or maintaining the water system. However, if there is any point I have not covered or anything which is not clear, I should be glad to advise you further.

As soon as I have had an opportunity to look up the law on the other questions about which you spoke to me, I shall write you further.

Very truly yours,

*Alfred W. Howes*

*P.S. Extra copies enclosed are for other selectmen and Water Board if you care to give them copies.*

*A.W.H.*

March 31, 1949

Herbert A. Harrington, Esq.  
Southborough  
Massachusetts

*For Water Commissioners*

Dear Bert:

As requested by you last week, I have examined the law in connection with rights and duties in the repair and maintenance of public highways.

Section 61 of Chapter 41 of the General Laws provides as follows: "The superintendent of streets shall, under the direction of selectmen, have full charge of all repairs and labor upon public ways and sidewalks and, if no other provision is made, of repairs upon sewers and drains; and in relation to such matters he shall have the powers, perform the duties and be subject to the liabilities and penalties of surveyors of highways and road commissioners."

Under this section, *Blaisdell v. Stoneham*, 229 Mass. 543; *Syder v. Taunton*, 305 Mass. 114, and *Wardley v. Marlboro*, 294 Mass. 293, hold that a superintendent of streets (or one who has similar rights and duties) is a public officer for whose negligent acts a town is not civilly responsible.

Section 62 of Chapter 41 provides that a highway surveyor "shall have the exclusive control of the ordinary repair of public ways in his town without being subject to the authority of the selectmen."

Cases decided under this section are to the same effect as cases recited under Section 61 above.

Section 44 of Chapter 41 provides, as to road commissioners, "they shall exclusively have the powers, perform the duties and be subject to the liabilities and penalties of selectmen and surveyors of highways relative to public ways, monuments, at termini, and angles thereof, guide posts, signposts and shade trees and, if sewer commissioners be not chosen, relative to sewers and drains."

Cases hold them to be public officers for whose torts the town is not responsible. Chapter 44, Section 7, provides "Surveyors of Highways and Road Commissioners shall remove whatever obstructs the public ways within their respective towns or districts or endangers, hinders or inconveniences persons travelling thereon; and shall forthwith cause such to be removed or broken down so as to make such ways reasonably safe and convenient". This section also provides that if a town neglects to vote sufficient money for proper repair of ways the surveyor or road commissioner may employ persons to make such repairs and these persons must be paid by the town.

Those decided under this section hold that in performing the duties imposed thereby, highway engineers and road commissioners are public officers who neglect their duty in not being vigilant in the town. Other cases hold that they cannot bind the town when contracts entered into by them on behalf of the town exceed the powers relate to matters authorized by this section.

Section 1 of Chapter 21 provides "legislators and town and shell, unless otherwise provided, be kept in repair at the expense of the town in which they are situated so that they may be reasonably safe and convenient for travelers with their horses, teams and carriages at all seasons.

Cases decided under this section hold that performance of the duties imposed by this section is a governmental function and impliedly authorizes towns to do all acts necessary to carry out the duty imposed; they define "teams," "carriages," "travelers" and define other matters as to a town's duty.

Section 19 of Chapter 24 provides: "If a person sustained bodily injury or damage to his property by reason of defect or a want of repair or a want of a sufficient rail in or upon a car, *and* such injury or damage might have been prevented, or such defect or want of repair or want of a rail might have been remedied by reasonable care and diligence on the part of the railroad company, he may if and when notified by the railroad of proper care and diligence, might have had reasonable notice of the defect or want of repair or want of a sufficient railing, recover damages therefor from such railroad company; but a person shall not be liable for injuries sustained during the construction and repairing thereof, provided that the way shall have been closed by other sufficient means taken to caution the public against entering thereon."

Many hundreds of clay tablets have been drilled under this section define the terms "defect", "end of a roll", "ray", "travel roadway", "warrior", "responsible soldier", etc.

308 hours 135

The case of Gallagher v. City of Beverly, 194 Mass. 1, 191, holds that the city of Beverly was responsible for the maintenance of the sewer system in opening a street, sidewalk and other ways at a building for the purpose of connecting the building with the sewer system. The excavation had been refilled in such a manner as to permit water to flow into the plaintiff's building damaging it. The city contended that its duty was merely to keep the way reasonably safe and convenient for travelers; that any liability for a defect in the street must rest upon Chapter 24, Section 13, and that the city Commissioner of Public Works was not, with respect to the care of highways, an agent of the city but was a public officer for whose negligence the city is not liable to a person not a traveler. In regard to these contentions the Court said that the defendant's argument overlooked the decisive element in the case that the entire job did not appertain primarily to street maintenance but from beginning to end was an integral part of the city's construction and operation of its system of sewers. The court then said "It has long been settled that a municipality, which voluntarily avails itself of its power to construct and operate such a system for the benefit of abutters who pay the city

through its servants, becomes liable for the negligence of those whom it employs to carry on the enterprise, who for this purpose are treated as agents, even though the same persons may be public officers and not agents of the city with respect to other municipal functions".

I quote from this one decision although there are a great many others which are to the same or a similar effect. Under these decisions there is no doubt in my mind but that the Water Commissioners, in excavating streets or back filling excavations for the purpose of construction, maintenance or repair of the water system are not acting as public officers but as agents of the town for whose negligence the town would be responsible. Under Section 15 of Chapter 24, the amount possible to be recovered by a person injured as a result of a defect in a public highway is \$4,000 (in smaller towns it may be less). It should be borne in mind that this statute relates to a defect in a public highway which a town is required to maintain in a reasonably safe condition. It is my considered opinion that if the injuries were caused by a defect in a highway which was the result of negligence of the Water Department that the amount recoverable would be unlimited although I have been unable to find any case which definitely says so.

219 Mar 604

In older case which seems to be very much in point and goes into some detail on the question is *Fearl v. Bevere*, decided in 1914. In that case the question was whether or not the city was answerable in damages for injuries caused by the negligence of an employee of its Board of Water Commissioners. The statutes of 1904, Chapter 457 under which Bevere was authorized to establish a water system was very similar to our own. The Court said "The distinction long has been established between the liability of municipalities for acts done in their public capacity in the performance of functions required of them by the legislature for the common good and for acts done in their private capacity in the management of property voluntarily held and devoted to business enterprises undertaken for their own profit, although ultimately subserving a public need. It has been repeatedly held, in the application of this well settled distinction that the establishment and maintenance of a system of water supply in part for the use of inhabitants who pay for the necessity thus supplied, is a commercial venture, and that for negligence in connection therewith, the city or town is liable as a private corporation would be in performing a similar service." The Court went on to say that this particular Board was clothed with more extensive powers than were usually conferred upon similar officers "but they represent the interest of the town and are no more than its agents in exercising the function conferred by statutes upon it. The decisive test is whether it is a service voluntarily undertaken by the town and the compulsion from which income and profit may accrue to the municipality." Whether the town was in fact making this business profitable or not was immaterial; it was the essential nature of the undertaking which is decisive. The town did not conduct that branch of its municipal functions on anything like the same basis as it maintains schools, highways, police, etc.

Under the above statutes and decisions and a great many other decisions from which I have not quoted there can be no doubt that the sole responsibility for the maintenance of town ways in a reasonably safe condition rests upon Gordon Johnson as Superintendent of Streets.

There can be little doubt that if an owner assumes the entire burden of maintaining the sidewalk in reasonably safe condition after they have been made unsafe by acts of the Water Commissioner that recovery against the town could be had only upon proof (1) that the way was not reasonably safe and convenient, (2) that the town knew or in the exercise of reasonable diligence should have known of the defective condition of the sidewalk and (3) could have remedied the condition by reasonable care and diligence. Recovery for injuries sustained by such a defect could be limited to \$4,000.

If the Board of Water Commissioners assume the obligation of keeping the sidewalk in reasonably safe condition after they have made excavations, repairs, etc., there is no doubt that the town could be liable for injuries or damage sustained as a result of any negligence of the commissioners or their employees in the manner of doing the work. Irrespective of any defect in a sidewalk as contemplated by Chapter 24, Section 13, it is probable that there is no definite statement of law to substantiate my opinion that recovery for injuries sustained under those circumstances could be unlimited. *Whether or not the sidewalk was defective would be immaterial if the injury or damage was due to negligence of employees of the Water Department.*

I trust that this summary of the conditions as to what should be required to make repair to sidewalks after they have been damaged as a result of operations of the Water Department in constructing, repairing or maintaining the sewer system. However, if there is any point I have not covered or anything which is not clear, I should be glad to advise you further.

As soon as I have had an opportunity to look up the law on the other questions about which you asked me, I shall write you further.

Very truly yours,

Alfred W. Hawes

Full  
file  
right

October 27th 1949

Mr. Francis W. Lapine, Chairman,  
Board of Water Commissioners,  
Southborough, Mass.

Dear Fran:

It seems that there are still some matters that  
require more complete mutual understanding between our res-  
pective boards.

Believing, as I do, that any differences that may  
exist, can most amicably and efficiently ironed out by sitting  
down and hashing them over together, we should like to meet  
with your board again at your early convenience.

Any evening next week with the exception of Thurs.  
Nov. 3rd would suit. Will you let me know?

Sincerely yours,

Board of Selectmen.

ALA/1

Chairman.



*File  
Water  
dept*

WILLIAM H. TAYLOR  
DAVID A. FOLEY  
JEREMIAH J. SULLIVAN  
WILLIAM J. FITZGERALD  
ALFRED W. HOWES  
PAUL E. MURPHY

LAW OFFICES OF  
**TAYLOR & FOLEY**  
41 TREMONT STREET  
BOSTON 8, MASS.

TELEPHONE  
LAFAYETTE 3-8370

April 2, 1949

Herbert E. Harrington, Esq.  
Southborough  
Mass.

Dear Bert:

In regard to the matter of the Water Department charging various other town departments for the use of water, I have examined Chapter 133 of the Acts of 1930 and find no provision either way.

I assume that the Water Department may make charges against any user regardless of whether or not the user happens to be a department of the same municipality as the Water ~~Commissioner~~ *department*.

I checked with Mr. Dine of the Department of Accounts and he advised me that in his opinion the Water Department not only may but should charge all town departments for the use of water. According to him, rent should be charged the town for use of hydrants and the usual fee in towns where this is done is between \$50 and \$75. The theory of the Director of Accounts is that the Water Department should be self-sufficient and no money for its support should be raised by taxation and that this could be done if such charges were made.

Very truly yours,

*Alfred W. Howes*

March, 1949

*File Water Supply*

A REPORT ON TOWN WATER SUPPLIES  
PREPARED FOR THE SELECTMEN'S ASSOCIATION  
BY THE BUREAU OF PUBLIC ADMINISTRATION  
UNIVERSITY OF MASSACHUSETTS

The purpose of this study is to provide a brief report on town water supplies and to attempt to give some basis for judging the efficiency and economy of the various town water systems throughout the state.

The 312 towns in Massachusetts derive their water from the following sources:

Municipally owned water supply	132
No supply other than private wells	93
Private water companies	30
Supply purchased from another municipality	30
Combination of sources	17
Metropolitan District	10
	<u>312</u>

Because complete information on conditions and rates in all towns was unavailable, representative towns were selected. Data was collected on twenty-nine towns, chosen to give geographical distribution, a wide range of population size and representation of publically owned, privately owned and "Metropolitan" water supplies. Nine towns studied are situated in the more sparsely populated western part of the state and twenty are in the more heavily populated eastern region. These towns range in population from 43,515 (Arlington) to 521 (Blandford). Of these towns twenty have municipally owned water supplies, five are supplied by private companies, and four are supplied by the Metropolitan District Commission.

Unfortunately it was not possible to acquire information on a larger number of privately owned water companies, permitting a better comparison between private and public water systems. It is also unfortunate that information is not available on towns which purchase their water from another municipality.

It is difficult to draw as many hard and fast conclusions from this study as one would like. The statistics available cannot give a complete picture of any town's water system. A great many local differences must be taken into account, for the local water rate is the result of such factors as the financial situation of the water agency, the geographical difficulties of the area served, the amount of water consumed and other factors.

As many factors as we could get data on are included in out table of statistics. The date of introduction of a water system or the date on which it was bought by a municipality gives some clue as to the initial cost. Figures are given for



the amount invested in each plant, the bonded indebtedness and the revenues and expenditures for 1946 in order to give a more complete financial picture. For towns with municipal water supplies we asked the water officer to state whether he thought the cost of purchase by the town was high, reasonable, or low. It must be kept in mind that these estimates are highly subjective.

It was impossible to get accurate information concerning the portion of each town serviced, so we merely indicated whether all or part received water from the central agency. The number of outlets per mile of pipe and the number of pumping stations necessary have definite bearing on the cost of water.

The rate given for each town is the basic rate to the consumer for each 100 cubic feet of water. Some rates are charged by the gallon but these figures have been converted to cubic feet so that comparison will be easier. No rates on this basis can be given for towns that charge by the number of outlets.

Clearly all the statistics outlined above demand careful and intelligent interpretation by persons with a good knowledge of their local water situation. The bureau of Public Administration feels that it can make only a few observations, as follows.

First, there is a great variety and range of rates. Among the towns listed the highest rate charged is 47 cents per hundred cubic feet (Groton) and the lowest is 14 cents (Falmouth). Rates charged by municipally owned plants vary from 14 cents (Falmouth) to 45 cents (Sudbury and Blandford), those charged by private companies vary from 22 cents (Egremont) to 47 cents (Groton), and those charged by towns using Metropolitan water vary from 15 cents (Winthrop) to 20 cents (Arlington).

On the basis of the limited number of private water companies included, no fair comparison can be made between their rates and those charged by municipally owned supplies. It is of interest to note that private companies service the smaller towns in the state, although they do provide water for five towns whose population exceeds 10,000 (Dedham, Fairhaven, Milford, Northbridge, and Southbridge).

Based on this study, water rates seem to increase as the population of the town decreases. One reason for this may be that the number of outlets per mile of pipe is likely to be less in the smaller towns. Also, it is probably true that larger water supply units can provide water more economically. Certainly the rates charged in towns using Metropolitan water are among the lowest of those listed. As noted above, we were unable to get adequate information from towns which purchase their water from nearby municipalities, to make a comparison.

Apparently it would be worthwhile for towns to examine the possibility of using larger supply units, either by purchasing water from nearby municipalities, by combining facilities with other towns, or by use of the metropolitan system for other areas than the Boston area.

There are a surprising number of towns without any central water agency. These ninety-three towns are, generally speaking, the smallest towns in the state, although the largest town in this category is Tewksbury with a population of nearly 6,000. A majority of the water systems were begun before 1900 and few have been built since 1940. Several towns including Boylston, Erving, Sandwich, Templeton, and Upton indicated in their answer to our questionnaire that they were considering organizing municipal water systems. Of these towns Erving, Sandwich and Upton have already formed water districts.

The information used in this survey was compiled from figures furnished by the Massachusetts Department of Public Health, the Department of Public Utilities, the Metropolitan District Commission and from an individual questionnaire sent out from the Bureau of Public Administration.

The Bureau of Public Administration will be glad to answer requests from people desiring additional information on this subject.

Municipally Owned		Population	Date of Purchase	Amount Invested as of 1944	Bonded Interest	Revenues	Expenditure 1946	Estimated Interest on Purchase	Area of Tr Covered	Outlets per Mile	Pumping Station	1945 Average Daily Consumption	Consumer Charge per 100 Cu
W. Springfield	Hampd.	19,453	1892	888,295*	11,000	130,479	91,265	Reas.	all	48.2	0	2,410,800	.21
Natick	Mid.	15,789	1872	1,289,862	None	201,368	81,550	----	all	54.2	1	1,195,600	.25
Reading	Mid.	12,327	1890	833,703	None	50,633	65,253	Reas.	all	56.3	2	709,100	.33
Middleborough	Ply.	9,596	1888	1,500,000	700,000	30,467	20,047	Reas.	part	26	1	348,300	.19
Walpole	Ior.	8,409	1895	-----	17,000	57,325	54,478	----	all	----	1	1,343,700	.20
Falmouth	Barn.	7,751	1902	1,237,018	None	85,075	124,209	Reas.	all	26.8	2	897,500	.14
Amherst	Hamps.	7,089	1940	-----	480,000	63,000	60,000	High	part	34.8	1	711,000	.34
Winchendon	Worc.	6,461	1896	500,000	None	17,372	14,248	Reas.	part	35	1	211,865	.20
Orange	Frank.	5,762	-----	500,000	None	25,558	13,427	----	part	----	2	448,682	.25
Williamstown	Berk.	4,623	1942	350,000	270,000	42,000	70,000	Reas.	part	41.7	0	600,000	.37
Ayer	Mid.	3,967	-----	-----	-----	24,687	13,517	----	all	----	1	532,200	.25
Warren	Worc.	3,498	-----	200,000	46,000	15,991	16,600	High	part	50	1	124,500	.40
Deerfield	Frank.	3,083	-----	-----	-----	-----	-----	----	part	----	-	49,700	.30
Hanover	Ply.	3,018	1930	350,000	146,000	25,865	28,928	High	part	27.3	1	328,400	#
Manchester	Es.	2,539	1890	480,000	one	25,951	22,610	Reas.	all	42.9	2	280,000	.20
Millis	Nor.	2,329	1893	-----	None	12,800	10,000	----	all	----	1	252,900	.22
Sudbury	Mid.	2,051	1936	-----	59,500	17,722	15,451	----	part	----	-	32,800	.45
Tisbury	Dukes	1,791	1905	209,095	None	16,715	22,522	Reas.	part	53.4	1	385,900	.22
Oak Bluffs	Dukes	1,345	1944	-----	204,000	40,251	35,374	Reas.	part	59.3	1	142,189	.30

AN ACT AUTHORIZING THE TOWN OF SOUTHBOROUGH TO  
TAKE WATER FOR WATER SUPPLY PURPOSES FROM THE  
PRESSURE AQUEDUCT AND TUNNEL OF THE METROPOLI-  
TAN WATER SYSTEM.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Southborough is hereby authorized to take water for water supply purposes of said town and its inhabitants from the pressure aqueduct and tunnel of the metropolitan water system or from any available pipe line or other structure leading from said pressure aqueduct, at such times as water may be available in said aqueduct and as water is not being taken by said town from the Sudbury reservoir as authorized by any provision of law, upon such terms and conditions as may be mutually agreed upon by the metropolitan district commission and said town; provided, that said town is hereby authorized to take one hundred and fifty thousand gallons of water per day from said aqueduct without charge; and provided, further, that no entrance or connection fee shall be required of said town for connection to said aqueduct. Said town may enter upon the lands of the commonwealth at such place or places, in such manner and at such times as may be approved by said commission, for the purpose of constructing and maintaining thereon pipes or pipe lines or other structures for the purpose of conveying such water; provided, that for all damages caused to the commonwealth by all such work or construction said town shall pay to the commonwealth such compensation as may be agreed upon between said town and said commission. If said town and said commission cannot agree as aforesaid, such terms and conditions, or compensation, as the case may be, shall be determined by a master to be appointed by the supreme judicial court on the petition of either party interested, the report of such master, when accepted by said court, to be final and binding on all parties.

SECTION 2. For the purpose of carrying out this act, the town of Southborough may from time to time borrow such sums as may be necessary, not exceeding, in the aggregate, twenty-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Town of Southborough Water Loan, Act of 1941. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years. Indebtedness incurred under this act shall be in excess of the statutory limit but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

SECTION 3. Chapter three hundred and three of the acts of nineteen hundred and thirty-nine is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

*Approved October 9, 1941.*

*File  
Wire Inspector*

*(44)*

CHAPTER 529.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Forty-nine

AN ACT Relative To The Appointment Of Inspectors Of Wires In Cities, Towns and Districts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows: Chapter 166 of the General Laws is hereby amended by striking out section 32, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

Section 32. A city shall, by ordinance, designate or provide for the appointment of an inspector of wires, and a town shall provide by vote or by by-law for the appointment by its selectmen of such an inspector, or two or more cities and towns may vote to form a district, which district shall appoint such an inspector, whose compensation shall be fixed by the district and paid for by each city and town comprising such district as the city and town members thereof shall determine, and who shall have the same powers and duties of an inspector of a city or town. Such inspector shall supervise every wire over or under streets or buildings in such city, town or district and every wire within a building designed to carry an electric light, heat or power current; shall notify the person owning or operating any such wire whenever its attachments, insulation, supports or appliances are improper or unsafe, or whenever the tags or marks thereof are insufficient or illegible; shall, at the expense of the city or town, remove every wire the use of which has been abandoned, and every wire not tagged or marked as hereinbefore required, and shall see that all laws and regulations relative to wires are strictly enforced. A city, town or district may recover in contract from the owner of any such wire so removed the expense which it has incurred for the removal thereof.

House of Representatives, July 7, 1949.

Passed to be enacted, /S/ Thomas P. O'Neill Jr. Speaker,

In Senate, July 7, 1949.

Passed to be enacted, /S/ Chester A. Dolan Jr. President.

July 11, 1949.

Approved,

/S/ Paul A. Dever

Governor.



*The Commonwealth of Massachusetts*  
*Department of Civil Service and Registration*  
*State Examiners of Electricians*  
*Room 406, 15 Ashburton Place, Boston 8*

November 9, 1949

Mr. H. E. Harrington, Chairman  
Board of Selectmen  
Southborough, Massachusetts

Dear Sir:

Thanks for your prompt reply to my recent inquiry in reference to the appointment of an Inspector of Wires by the town under the provisions of Chapter 529, Acts of 1949.

When your town appoints an Inspector, it would be appreciated if you would forward his name, address, office hours and telephone number to this office.

Very truly yours,

A handwritten signature in cursive script that reads "Harrison C. Witherell".

Harrison C. Witherell  
Executive Secretary

HCW;ec

November 5th 1949

State Examiners of Electricians,  
15 Ashburton Place,  
Boston, Mass.

Gentlemen:

The Town will have an opportunity to enact a By-law as required under Chapter 529, Acts of 1949 at the annual Town Meeting in March 1950. Upon the adoption of such a By-law, an Inspector of Wires will be immediately appointed, and we will advise you of his name and address.

Very truly yours,

BOARD OF SELECTMEN.

HEH/h

Chairman.

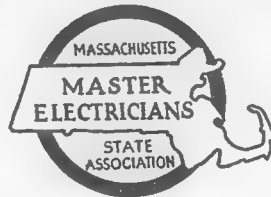
# Massachusetts Electrical Contractors Association, Inc.

CARL A. NELSON, *President*  
1 Baldwin St., Lynn, Mass.  
Tel. LYnn 3-0427

N. RABIN, *1st Vice President*  
37 Falmouth St., Boston

E. S. REYNOLDS, *2nd Vice President*  
1362 Washington St., So. Braintree

WILLIAM H. HUGHES, *Treasurer*  
278 Orchard St., Watertown 72, Mass.  
Tel. WAtertown 4-4267



## BOARD OF DIRECTORS

H. B. CLIFFORD, *Lynn*  
B. D. GOSS, *Cambridge*  
D. A. HARRINGTON, *Melrose*  
P. ROSENBERG, *Chelsea*  
B. L. WHITTEMORE, *Framingham*  
J. L. WINN, *Cambridge*

L. H. BARROWCLOUGH, *Executive Secretary*  
138 Allen Avenue, Lynn, Mass.  
Tel. LYnn 3-3243

October 18, 1949

Gentlemen:

No doubt you are presently concerned with the engagement of an electrical inspector in order to comply with the provisions of Chapter 529, Acts of 1949 which was enacted July 11th, this year.

While no qualifications for the position are specified in the Act, we wish to respectfully suggest that you require that the electrical inspector for your town qualifies by holding an electricians license.

This will give assurance that the man entrusted with the safety of the lives and property of your townspeople is qualified to pass judgment on the work done by other electricians who must, under the law, be licensed to do such work.

The names of licensed electricians in close proximity to your community may be procured from the State Examiners of Electricians, 15 Ashburton Place, Boston.

Respectfully yours,

*L. H. Barrowclough*  
L. H. Barrowclough  
Executive Secretary



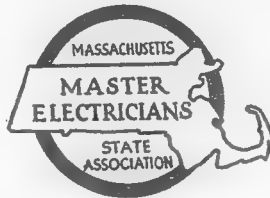
# Massachusetts Electrical Contractors Association, Inc.

CARL A. NELSON, *President*  
1 Baldwin St., Lynn, Mass.  
Tel. LYnn 3-0427

N. RABIN, *1st Vice President*  
37 Falmouth St., Boston

E. S. REYNOLDS, *2nd Vice President*  
1362 Washington St., So. Braintree

WILLIAM H. HUGHES, *Treasurer*  
278 Orchard St., Watertown 72, Mass.  
Tel. WAtertown 4-4267



## BOARD OF DIRECTORS

H. B. CLIFFORD, *Lynn*  
B. D. GOSS, *Cambridge*  
D. A. HARRINGTON, *Melrose*  
P. ROSENBERG, *Chelsea*  
B. L. WHITTEMORE, *Framingham*  
J. L. WINN, *Cambridge*

L. H. BARROWCLOUGH, *Executive Secretary*  
138 Allen Avenue, Lynn, Mass.  
Tel. LYnn 3-3243

Dear Sir:

We are conducting a survey in connection with the issuance of the second edition of our Master Electricians Service Guide.

We desire to include as much information as possible and correct our files to bring them up to date.

You would assist us greatly if you would forward a copy of your electrical ordinance or by-law and a list of any special rules that are enforced in your district regarding the installation of electrical work.

Is the National Electrical Code a part of your ordinance or by-law and do you require compliance with its requirements ?

Will you also advise if any changes have been made within the past year in the personnel of your office, the telephone number, office hours or permit fees ?

Very truly yours,

L. H. Barrowclough, *Secretary*  
138 Allen Avenue  
Lynn, Mass.

Dec. 16, 1949  
Southville Rd.  
Concordville, Mass.

Board of Selectmen:-  
Town of Southboro

Gentlemen:-

In regards to Electrical  
wire inspector. I have a Electricians  
License. I am a disabled Veteran  
World war II. I have started a business  
of my own and will be in town most  
of the time. I would like to make  
an application to be appointed Wire  
inspector for Southboro. When the time  
comes to appoint one.

Thanking you

J. Romain  
Robert H. Colby

December 30th 1949

Mr. Albert A. Colley,  
Southville Road,  
Gordaville, Mass.

Dear Sir:

We have your letter of December 16th making application for appointment as Wire Inspector.

Until the Town can vote to adopt a By-Law as required under Chapter 529, Acts of 1949, at the annual Town Meeting in March of 1950, we cannot act under this law.

Your application will be placed on file and considered when a Wire Inspector is appointed.

Very truly yours,

Board of Selectmen.

HEH/h

Chairman.

# Town of Southborough

## Board of Selectmen

### PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

July 2

7

Board of Water Commissioners 194

Granted to: 35'

To wit, a space not exceeding: 3' 4½' Oak Hill Road long,

wide, and deep, on

installing water services

for the purpose of: July 7 7 July 16 7

Ditch to be open from 194 to: 194

The applicant has agreed to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried at any time that the Selectmen deem it necessary.

July 2

7

194

Philip W. Bunker

Arthur E. Hosmer

Ernest H. Bunker

Selectmen of Southborough.

# Town of Southborough

## Board of Selectmen

### PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

July 2

1947

Granted to: Board of Water Commissioners

To wit, a space not exceeding: 20' long,

3' wide, and 4 $\frac{1}{2}$ ' deep, on Oak Hill Road

for the purpose of: installing water service (George Lord)

Ditch to be open from July 7 1947 to: July 16 1947

The applicant has agreed to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried ..... to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried ..... at any time that the Selectmen deem it necessary.

July 2 1947

*Philip W. Hughes*  
*Arthur J. Somers*  
*Lyman H. Burt*

Selectmen of Southborough.

# Town of Southborough

## Board of Selectmen

### PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

..... July 2 ..... 194 7

Granted to: ..... Board of Water Commissioners .....

To wit, a space not exceeding: ..... 30' ..... long,

..... 3' ..... wide, and ..... 4½' ..... deep, on ..... Mt. Vickory Road .....

for the purpose of: ..... installing water services .....

Ditch to be open from ..... July 7 ..... 1947 to: ..... July 16 ..... 194 7

The applicant has agreed to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried ..... to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried ..... at any time that the Selectmen deem it necessary.

..... July 2 ..... 194 7

.....  
.....  
.....  
.....

Selectmen of Southborough.

# Town of Southborough

## Board of Selectmen

### PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

..... July 2 ..... 194 7 .....

Granted to: ..... Board of Water Commissioners .....

To wit, a space not exceeding: ..... 1200 ' ..... long,

..... 3' ..... wide, and ..... 5½ ' ..... deep, on ..... A street .....

.....

for the purpose of: ..... installing a water main .....

Ditch to be open from ..... July 7 ..... 194 7 to: ..... August 30 ..... 194 7

The applicant has agreed to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with: and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried ..... to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried ..... at any time that the Selectmen deem it necessary.

July 2

194

7

..... Philip W. Burke .....

..... William L. Rogers .....

..... H. H. Runt .....

Selectmen of Southborough.

# Town of Southborough

## Board of Selectmen

### PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

July 2

194 7

Granted to: Southborough Water Department

To wit, a space not exceeding: 30' long,

3' wide, and 4 1/2' deep, on Cordaville Road

for the purpose of: installing water service(Leo Bartolini)

Ditch to be open from June 21 194 7 to: July 30 194 7

The applicant has agreed to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried .....to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried .....at any time that the Selectmen deem it necessary.

July 2 194 7

*Philip W. Burke*  
*Arthur C. Forman*  
*Lyman H. Burt*

Selectmen of Southborough.



# Town of Southborough

## Board of Selectmen

### PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

July 2 1947

Granted to: Southborough Water Department

To wit, a space not exceeding: 25' long,

3' wide, and 4½' deep, on Stub toe lane

for the purpose of: installing water service

Ditch to be open from June 21 1947 to: July 30 1947

The applicant has agreed to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried at any time that the Selectmen deem it necessary.

July 2 1947

*Philip W. Burke*  
*William L. Gosnell*  
*John H. Smith*

Selectmen of Southborough.

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

July 1 1947.

To: The Board of Selectmen, Southborough, Mass.

From: Board of Water Commissioners

Application is hereby made for a permit to open a public highway, namely: Oak Hill Road for a space not exceeding 20 ft. feet in length,

for the purpose of installing water service (George Lord.)

Ditch to be open from July 7 1947 to July 16 1947 And to

be 3 ft. wide, and 4 1/2 ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them;

and to install a sleeve of sufficient size and strength, so as to allow the buried to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thomas J. Boland

Chas. H. Weston  
Chairman  
Water Com.

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

July 1 1947.

To: The Board of Selectmen, Southborough, Mass.

From: Board of Water Commissioners

Application is hereby made for a permit to open a public highway, namely: Oak Hill Road for a space not exceeding 30 feet in length, for the purpose of installing water service.

Ditch to be open from July 7 1947 to July 16 1947 And to be 3 Ft. wide, and 4 1/2 Ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

James F. Boring

Chas. H. Newton  
Chairman Water Comm.

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

July 1, 1947

To: The Board of Selectmen, Southborough, Mass.

From: Board of Water Commissioners

Application is hereby made for a permit to open a public highway, namely: Mt. Vickory Rd  
for a space not exceeding thirty feet in length,  
for the purpose of installing water service  
Ditch to be open from July 7, 1947 to July 16, 1947 And to  
be 3 feet wide, and 4 1/2 feet deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thomas J. Boland

Chas H. Hueston  
Chairman Water Com.

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY EXTENSION OF TIME.

July 1, 1917

To: The Board of Selectmen, Southborough, Mass.

From: Board of Water Commissioners

Application is hereby made for a permit to open a public highway, namely: A Street

for a space not exceeding 1200 feet feet in length,

for the purpose of installing water main

Ditch to be open from July 7 1917 to August 30 1917 And to

be 3 feet wide, and 5 1/2 feet deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thomas J. Boland

Chas. H. Newton  
Chairman Water Com.

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

June 15 1947

To: The Board of Selectmen, Southborough, Mass.

From: Southborough Water Dept.

Application is hereby made for a permit to open a public highway, namely: Stob Toe Lane for a space not exceeding 20 feet in length, for the purpose of installing water service

Ditch to be open from June 21 1947 to July 30 1947 And to be 3 ft. wide, and 4 1/2 ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried.....to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried.....at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thomas J. Boland

Chas. H. Newton  
Charlie Nelson Cove

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

June 15 1947

To: The Board of Selectmen, Southborough, Mass.

From: Southboro Water Dept.

Application is hereby made for a permit to open a public highway, namely: Porterville  
Road for a space not exceeding 30 feet in length,  
for the purpose of installing water service (Leo Bartalini)  
Ditch to be open from June 21 194 to July 30 1947 And to  
be 3 Ft. wide, and 4 1/2 Ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried .....to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried .....at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thomas J. Boland

Chas. H. Yecaton  
Chambers Water Com.

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

June 3 1947

To: The Board of Selectmen, Southborough, Mass.

From: Southborough Water Department.

Application is hereby made for a permit to open a public highway, namely: Fay Court

Mr. Babbitt for a space not exceeding 32 feet in length,

for the purpose of installing water service.

Ditch to be open from June 7 1947 to June 12 1947. And to

be 2 Ft. wide, and 4 1/2 Ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried.....to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried.....at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

James H. Newton

James H. Newton  
Chairman Water Com.

Emergency installation.



# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

April 28 1947

To: The Board of Selectmen, Southborough, Mass.

From: Southborough Water Department

Application is hereby made for a permit to open a public highway, namely: A Street  
for a space not exceeding 1050 feet in length,

for the purpose of installing water main & services - Holland & Rossi

Ditch to be open from May 1st 194 to July 1st 1947 And to

be 3 Ft. wide, and 5-1/2 Ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried.....to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried.....at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thomas L. Boland

Chas. H. Newton  
Chairman Water Com.

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

April 28 1947.

To: The Board of Selectmen, Southborough, Mass.

From: Southborough Water Department.

Application is hereby made for a permit to open a public highway, namely: School Street for a space not exceeding 35 feet in length, for the purpose of installing water service - Lewis Reftinaggi. Ditch to be open from May 15 1947 to May 29 1947. And to be 3 Ft. wide, and 4 1/2 Ft. deep. JF

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thomas J. Boland.

Chas. F. Newell  
Chevina Water Com.

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

April 28 1947

To: The Board of Selectmen, Southborough, Mass.

From: Southborough Water Department.

Application is hereby made for a permit to open a public highway, namely: East Main Street for a space not exceeding 43 feet in length, for the purpose of installing water service. Water Condenser Ditch to be open from May 1st 1947 to June 1st 1947. And to be 3 Ft. wide, and 4 1/2 Ft. deep.

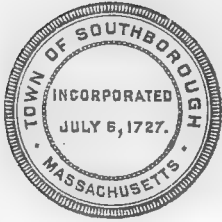
The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thomas J. Boland.

Chas. H. Newton  
Chairman Water Com.



TOWN OF SOUTHBOROUGH  
BOARD OF WATER COMMISSIONERS  
SOUTHBOROUGH, MASS.

June 12, 1947

George H. Burnett, Chairman,  
Southborough, Mass.

Dear Mr. Burnett:

In reply to your letter of the ninth requesting that the Board of Water Commissioners meet with the Selectmen at their next meeting on June 20th. at 8.30 P. M. let us say that the next meeting of the Water Commissioners will be held on Tuesday evening, June 17th. at 7.30 P. M. at their office and the Board will be very pleased to have the Selectmen meet with them.

Very truly yours,

*Chas. H. Newton*  
Chairman

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

June 15 - 1947

To: The Board of Selectmen, Southborough, Mass.

From: Southborough Water Dept.

Application is hereby made for a permit to open a public highway, namely: Break Neck Hill Road for a space not exceeding 20 feet in length, for the purpose of installing water service - Robert Mitchell Ditch to be open from June 21 1947 to June 25 1947. And to be 3 ft. wide, and 4 1/2 ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried ..... to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried ..... at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thomas J. Boland

Chas H. Hurler  
Chambers Water Com.

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

April 15 1947.

To: The Board of Selectmen, Southborough, Mass.

From: Southborough Water Department

Application is hereby made for a permit to open a public highway, namely: Cordaville  
Road for a space not exceeding 40 feet in length,

for the purpose of Installing water service

Ditch to be open from April 21 1947 to April 26 1947 And to

be 2 ft. wide, and 4 1/2 ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried ..... to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried ..... at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thos. J. Boland  
Supt. Water Dept.

Chas. H. Newton  
Chairman Water Com.

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

April 15 1947

To: The Board of Selectmen, Southborough, Mass.

From: Southborough Water Department.

Application is hereby made for a permit to open a public highway, namely: Break Neck Hill Road for a space not exceeding 1250 feet in length, for the purpose of installing water main & services. Ditch to be open from April 24 1947 to May 30 1947. And to be 3 Ft. wide, and 5 1/2 Ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thomas J. Boland  
Supt. Water Dept.

Chas. H. Yawton  
Chairman - Water Com.

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

April 15 1947.

To: The Board of Selectmen, Southborough, Mass.

From: Southborough Water Department.

Application is hereby made for a permit to open a public highway, namely: Boston Road  
..... for a space not exceeding 30 ..... feet in length,  
for the purpose of installing water service (Joseph Mauro).  
Ditch to be open from April 21 1947 to April 30 ..... 1947 And to  
be 3 Ft. wide, and 4 1/2 Ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried ..... to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried ..... at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thomas J. Roland  
Super Water Dept.

Chas H. Yacaton  
Chairman Water Com.



# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

March 27, 1947..

To: The Board of Selectmen, Southborough, Mass.

From: Southborough Water Department

Application is hereby made for a permit to open a public highway, namely: Deerfoot  
Road for a space not exceeding 32 feet in length,  
for the purpose of installing water service.  
Ditch to be open from March 28 1947 to April 8 1947. And to  
be 3 ft. wide, and 4 1/2 ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried.....to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried.....at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thomas J. Boland  
Superintendent Water Dept.

Chas. H. Newton  
Chairman - Board of Water Commissioners.

*File -  
nat. Com.*

# Town of Southborough

## Board of Selectmen

### PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

.....September 10..... 194 7  
Granted to: .....~~Board of Selectmen~~.....  
To wit, a space not exceeding:.....1800'..... long,  
.....3ft. wide, and.....5½ft. .... deep, on ..... "A" Street  
.....  
for the purpose of: .....installing water main.....  
Ditch to be open from .....Sept 6, ..... 194 7 to: .....Sept 30, ..... 194 7

The applicant has agreed to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried.....to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried.....at any time that the Selectmen deem it necessary.

Sept. 10..... 194 7

Selectmen of Southborough.

v

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

Dominic Hay

September 16 1947

To: The Board of Selectmen, Southborough, Mass.

From: Board of Water Commissioners

Application is hereby made for a permit to open a public highway, namely: Pleasant Street  
for a space not exceeding 40 feet in length,  
for the purpose of Installing Water Service

Ditch to be open from Sept. 24 1947 to October 15 1947 And to  
be 3 Ft. wide, and 4 1/2 Ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

*Thos. J. Boland*

*Dominic Hay*

Town of Southborough

Board of Selectmen

APPLICATION FOR A PERMIT TO OPEN, OCCUPY  
AND OBSTRUCT A WAY

New House-Woodland Dairy

September 16 1947

To: The Board of Selectmen, Southborough, Mass.

From: Board of Water Commissioners

Application is hereby made for a permit to open a public highway, namely: Quack Neck Hill Road  
for a space not exceeding 65 feet feet in length,  
for the purpose of Water Service  
Ditch to be open from Sept 22 1947 to September 27 1947 And to  
be 3 Ft. wide, and 4 1/2 Ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

Thos. J. B. [Signature]

[Signature]

✓

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

Peter Boselli

September 16 1947

To: The Board of Selectmen, Southborough, Mass.

From: Board of Water Commissioners

Application is hereby made for a permit to open a public highway, namely Break Neck Hill Road  
for a space not exceeding 32 feet in length,  
for the purpose of Water Service

Ditch to be open from Oct. 1 1947 to October 20 1947 And to  
be 3 ft wide, and 4 1/2 ft deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried at any time that the Selectmen deem it necessary.

In the presence of:

Applicant's Signature:

*John J. [Signature]*

*Peter Boselli*  
[Signature]

✓

# Town of Southborough

## Board of Selectmen

### APPLICATION FOR A PERMIT TO OPEN, OCCUPY AND OBSTRUCT A WAY

Mumiston Service

September 1947

To: The Board of Selectmen, Southborough, Mass.

From: Board of Water Commissioners

Application is hereby made for a permit to open a public highway, namely: Woodland Road

for a space not exceeding 20 feet feet in length,

for the purpose of Water Service

Ditch to be open from Sept. 22 1947 to September 27 1947 And to

be 5 ft. wide, and 4 1/2 ft. deep.

The applicant hereby agrees to restore said street to a condition as good as it may be in at the time the same is granted, satisfactory to the Board of Selectmen, on or before the date last mentioned; to conform to existing statutes and by-laws and to any conditions in the permit; to cause any excavation and obstruction to be properly fenced; to place and to maintain from sunset to sunrise, over or near the place occupied, opened or obstructed, and over or near any dirt, gravel or other material, or objects to be used in connection with the work, a light or lights fixed to said fence, or placed in some other proper manner sufficient to protect the public from injury, to place and maintain a safe and convenient way for the use of foot-passengers and a safe and convenient passage for public travel around or over such place; to indemnify and save harmless the Town of Southborough from all loss, cost, damage and liability which may result to said Town from the execution of the work or from any breach of such conditions of said agreement; and to pay such sums as the Selectmen may determine to be a fair charge for the service of an inspector appointed by the Selectmen to see that the conditions of the permit are duly complied with; and to pay whatever sum said Selectmen shall expend for putting the street into good condition if it is not otherwise put into good condition satisfactory to the Selectmen, within the time prescribed by them; and to install a sleeve of sufficient size and strength, so as to allow the buried to be removed without the necessity of again opening said way. The Town reserves the right to remove the buried at any time that the Selectmen deem it necessary.

Applicant's Signature:

In the presence of:

Wm. A. Brown?

James H. Brown

White copy.

April 24, 1946

Mr. Charles H. Newton  
Chairman, Water Board  
Southborough, Mass.

Dear Mr. Newton:

The enclosed bill from Alfred W. Howes,  
Town Counsel, is forwarded for the approval of your  
Board, before being presented for payment.

Yours truly,

*Hamilton Armstrong*  
Clerk, Board of Selectmen.

\$16.50

April 9, 1946

Mrs. Marjorie F. McDonald  
Registrar, Water Department  
Southborough, Mass.

Dear Mrs. McDonald:

This is to notify you that permission has been granted the Board of Water Commissioners to consult Mr. Alfred W. Howes, Town Counsel, as requested in your letter of March 14, 1946.

Yours truly,

Board of Selectmen

*Hamilton Armstrong*

Clerk.

Copy: Town Counsel.

12



October 3, 1946

Mr. Charles H. Newton  
Chairman, Water Board  
Southborough, Mass.

Dear Mr. Newton:

I enclose petition of the New England Telephone and Telegraph Company dated September 6, 1946, together with plan No. 509, dated 1/29/43, covering buried ground wires on Framingham and Oak Hill Roads.

These are presented for the approval of your Board, before action is taken by the Board of Selectmen.

Yours truly,

*Hamilton Armstrong*  
Clerk, Board of Selectmen.

June 10, 1946

Mr. Charles H. Newton, Chairman  
Board of Water Commissioners  
Southborough, Massachusetts

Dear Sir:

At a meeting of the Board of Selectmen held June 7, 1946, it was voted not to approve the enclosed bill of your Department.

We would like to discuss this matter with your Board or a representative thereof at our next regular meeting, Friday, June 21, 1946. 8:30 P. M. would be a convenient time.

Yours truly,

BOARD OF SELECTMEN

*Hamilton Armstrong*  
Clerk.

2/

LAW OFFICES OF  
TAYLOR & FOLEYWILLIAM H. TAYLOR  
DAVID A. FOLEY  
JEREMIAH J. SULLIVAN  
PAUL E. MURPHY  
ALFRED W. HOWES  
WILLIAM J. FITZGERALD179 SUMMER STREET  
BOSTON, MASS.

TELEPHONE LIBERTY 9240

July 3, 1946

Board of Selectmen  
Southborough, Massachusetts

Gentlemen:

In accordance with your request, I have examined the law relating to disposition of the Water Department truck.

It would seem that the first and second sentences of Section 6, Article XII of the By-Laws relate to two different things. The first sentence gives the Department the right, with the approval of the Selectmen, to sell its truck which was "lawfully" in its custody and which "belonged" to it, since it was no longer needed and did not exceed five hundred dollars in value. I do not know what the word "belonging" means but since it cannot mean outright ownership or title, it must refer to property or material to which a department has the right to exclusive use. I believe that the second sentence relates to some other kind of property because it does not use the word "belonging", nor does it specify only "personal property or material" but applies to all property. It does not require that such property shall be "lawfully" in the "custody of or belonging" to the town although it seems unlikely that the town would dispose of any property which it acquired unlawfully. The second sentence also forbids the sale of property of the town (whether acquired lawfully or unlawfully, whether real or personal property, whether in custody of or belonging to a department or not) if the value thereof is in excess of two hundred dollars.

I do not know what type of property would come within the terms of the second sentence but it seems obvious that it would be something different than would come within the meaning of the first. If it were to be assumed that "belonging" meant "exclusive right to use", then the terms of the first sentence would apply to the sale of the truck and the terms of the second sentence would not.

If the above reasoning were adopted, it would naturally follow that the sale of the truck as it was sold, would be perfectly proper, provided that the approval of the Selectmen has been obtained.

Recd.  
7/5/46  
H.W.

7/2/46.

On the other hand, if the two sentences were read together so that they both applied to the disposition of all town property, whether real or personal, whether "belonging" to a department or not and whether acquired lawfully or unlawfully, then the Water Department could not sell the truck except by auction as provided in the second sentence.

While I feel sure that the sale of the truck would come within the terms of the first sentence and that the Water Department in selling the truck as it did, violated no provision of the By-Laws, it is only my opinion. A court decision to the contrary would result in considerable embarrassment to the Water Department, the Selectmen and to the town in general.

I believe that the only safe procedure, considering all the circumstances, would be to have a vote of the town ratifying the action of the Water Board.

As to the matter of hiring children to work in the Highway Department, the General Laws, in Chapter 149, Sections 60, 65, 86, etc., say that children under 16 must have working certificates, cannot work more than eight hours in one day nor more than forty-eight hours in one week. Hours of labor must be between 6.30 a. m. and 6 p. m. and the work cannot be of a dangerous nature. The Department of Labor and Industries says that spreading oil or gravel, shoveling sand and the work usually done in connection with highway work is not "dangerous". Children over 16 may work nine hours a day but not more than forty-eight in one week. The other conditions are the same as those which apply to children between the ages of 14 and 16. Children over 18 may work without restriction. All children, if they comply with the above regulations are covered by the Workmens' Compensation Act. If their employment is illegal, they are NOT covered by the Act.

Very truly yours,

*Robert W. Harris*

LAW OFFICES OF  
**TAYLOR & FOLEY**

179 SUMMER STREET  
BOSTON, MASS.

TELEPHONE LIBERTY 9240

WILLIAM H. TAYLOR  
DAVID A. FOLEY  
JEREMIAH J. SULLIVAN  
PAUL E. MURPHY  
ALFRED W. HOWES  
WILLIAM J. FITZGERALD

November 29, 1946

Board of Selectmen  
Southboro, Massachusetts

Gentlemen:

Your letter of November 25th, to which was attached a copy of a letter from the Board of Water Commissioners, dated November 12, 1946, in which they assume full responsibility for any illegality under the By-Laws in the purchase of a truck, does not change my opinion which I gave your Board some time ago.

While I still believe that the Board of Water Commissioners did not violate the By-Law in purchasing the truck as they did, I cannot guarantee the the Supreme Court would agree. If the matter were brought before them, and they found that the Water Commissioners did act illegally in buying the truck, I doubt that their assumption of responsibility would have any affect upon the liability of the town to pay for the truck.

I believe that the matter should be settled by vote of the town at a meeting which should be held before the end of the year. I am not certain that a meeting held after January 1st could legalize the action of the Board of Water Commissioners, assuming, of course, that their original action was illegal.

Very truly yours,

*Alfred W. Howes*

DEC 2 - DEC 6

November 25, 1946

Alfred W. Howes, Esq.  
Town Counsel  
Southborough, Mass.

Dear Mr. Howes:

We are in receipt of a letter from the  
Board of Water Commissioners, regarding the Water  
Department truck. A copy of the letter is attached.

Kindly let us know whether or not this  
changes your opinion in the matter.

Yours truly,

BOARD OF SELECTMEN

*Hamilton Armstrong*  
Clerk.



TOWN OF SOUTHBOROUGH  
BOARD OF WATER COMMISSIONERS  
SOUTHBOROUGH, MASS.

*aw Howes*

November 12, 1946

Board of Selectmen,  
Southborough, Mass.

Gentlemen:

If it is the opinion of the Board of Selectmen that the purchase of the new truck and the sale of the old truck as transacted by the Board of Water Commissioners on April 16, 1946 is not in accordance with the By-laws of the Town of Southborough, then we, the Board of Water Commissioners will assume full responsibility for any illegality that has been consummated.

May we expect an early reply?

Very truly yours,

Board of Water Commissioners.

*Aubrey Callen*  
*Clarence Edward Baker*  
*Charles H. Newton*

NOV 13 REC'D  
*(Signature)*

Water Dept.



TOWN OF SOUTHBOROUGH  
BOARD OF WATER COMMISSIONERS

SOUTHBOROUGH, MASS.

September 25, 1945 ✓

Board of Selectmen,  
Southborough, Mass.

Gentlemen:

At a Meeting of the Board of Water Commissioners held on September 18th. it was voted to contact the Board of Selectmen saying that the Water Board is willing to grant the use of the shed now used by the Water Department provided that the Board will move the material now in the shed and find a place to store it which will be agreeable to the Water Department.

Very truly yours

*Walter T. McDonald*

Registrar.

RECEIVED  
SEPT. 26/45 (H)



Water Dept.

October 8, 1945

Board of Water Commissioners  
Southborough, Massachusetts

Gentlemen;

In reply to your letter of October 3, 1945,  
permission is hereby granted your Board to consult the  
Town Counsel on matters relating to Water Bills.

Yours truly,

BOARD OF SELECTMEN

*Hamilton Cruikshank*  
Clerk.

Copy: Town Counsel

R.

October 8, 1945

Board of Water Commissioners  
Southborough, Massachusetts

Gentlemen:

Your letter of September 25, 1945, was discussed at our meeting of October 5, 1945, and it was voted to inform your Board that inasmuch as the sheds in question are under the control of the Board of Selectmen, we must ask you to remove any material now in the shed, before October 15, 1945, as we plan to move in some Highway Department equipment at that time.

Yours truly,

BOARD OF SELECTMEN

*Hamilton C. Quistong*  
Clerk

*R.*